

REMARKS

This is in response to the Office Action that was mailed on January 14, 2004. Claim 24 has been recast, in independent form, as new claim 41. New claims 42-45 correspond to former claims 25-28, but depend from claim 41 (formerly claim 24). Claim 33 has been amended to incorporate the recitation of claim 34. No new matter has been introduced. Claims 33 and 36-45 are in the application.

Claims 23-28, 33, 34, and 36-40 were rejected under 35 U.S.C. §102(a) as being anticipated by a December 1997 article in *Nature Biotechnology*. Office Action, pages 2-3. Claims 23-25, 33, 34, and 36 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,501,003 B1. Office Action, pages 4. The Examiner kindly indicated that a translation of the priority document could overcome these two grounds of rejection. It is anticipated that Applicants will provide a translation of the certified copy of the priority document, together with a statement that the translation of the certified copy is accurate in order to obviate these two grounds of rejection.

Claims 23, 25-28, and 33 were rejected under 35 U.S.C. §102(b) as being anticipated by a 1994 article in *Aquatic Toxicology* and by Canadian patent 2,088,379. Office Action, pages 3-4. Claim 33 now corresponds to former claim

34, which was not subject to this ground of rejection. Claims 36-40 were not subject to this ground of rejection. Claims 41-45 are based upon former claim 24, which was not subject to this ground of rejection. Thus, claims 33 and 36-45 are respectfully submitted to be in condition for allowance.

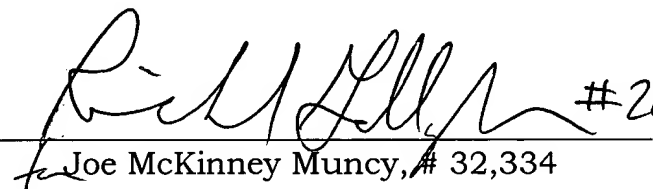
For questions concerning this application, please contact Richard Gallagher, Registration No. 28,781 at (703) 205-8008.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a two (2) month extension of time for filing a reply in connection with the present application, and the required fee of \$210.00 is attached hereto.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By  #28,781
Joe McKinney Muncy, # 32,334

KM/RG

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000